

REMARKS

Claims 1-38 are pending in the application.

Claims 1-36 have been rejected.

Claims 1, 10, 12, 17, 19, 28 and 30 have been amended as indicated above.

No new matter has been added.

Reconsideration of the Claims is respectfully requested.

1. The Office Action is incomplete and a new Office Action must be issued

As discussed in the response to prior office action filed on 3/25/2009, the status of Claims 37 and 38 has not been addressed. Applicant respectfully submits that the Office Action is not complete as to all matters because dependent claims 37 and 38 are not mentioned by number, and their treatment and status are not given. As set forth in M.P.E.P. 707.07(e), in taking up an amended application for action the examiner should note in every letter all the requirements outstanding against the application. Every point in the prior action of an examiner which is still applicable must be repeated or referred to, to prevent the implied waiver of the requirement. Further, in set forth in M.P.E.P. 707.07(i), in every Office action, each pending claim should be mentioned by number, and its treatment or status given. Since a claim retains its original numeral throughout the prosecution of the application, its history through successive actions is thus easily traceable. Each action should include a summary of the status of all claims presented for examination.

Applicant respectfully requests that this response be entered and a new Office Action be issued, for these reasons alone.

2. Rejection under Section 103

Claims 1-3, 5-6, 8-13, 15, 17-21, 23-24, 26-31, 33 and 35-36 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,163,272, to Goode ("Goode") in view of U.S. Patent No. 7,086,077, to Giammaressi ("Giammaressi") and further in view of U.S. Patent No. 6,124,878, to Adams ("Adams").

Claims 4, 14, 22 and 32 were rejected under 35 U.S.C. 103(a) as being unpatentable over Goode, Giammaressi and Adams, and further in view of U.S. Patent No. 4,890,322, to Russell ("Russell").

Claims 7, 16, 25 and 34 were rejected under 35 U.S.C. 103(a) as being unpatentable over Goode, Giammaressi and Adams, and further in view of U.S. Patent No. 7,028,329, to Mizutani ("Mizutani").

a. The prior art fails to disclose the allocation of resources based on a predetermined assignment of assigned resources to a particular one of the plurality of clients.

Amended claim 1 includes the following recital:

determining whether the client request is valid for the one of the plurality of clients based upon client authenticity and client privileges;

when the client request is valid for the one of the plurality of clients, determining whether the multimedia system has sufficient resources of a plurality of resources to fulfill the client request; and

allocating at least some of the sufficient resources to fulfill the client request based on a multimedia system resource allocation procedure that are determined based on a priority associated with the multimedia system service and further based on a predetermined assignment of assigned resources to a particular one of the plurality of clients.

The Office Action looks variously to Giammaressi and Adams for support for allocating resources. In Giammaressi, after a programming request is received in Step 208, resources are allocated based on the resources that are available, if the bandwidth is insufficient as determined in step 214, either a minimal bandwidth is used in step 220 or a bandwidth starvation error mode is entered in step 22, based on whether a minimal bandwidth is available as shown in step 218. Giammaressi does not allocate resources in response to a client request, based on a predetermined assignment of assigned resources to a particular one of the plurality of clients. Further, while Adams allocates bandwidth based on a prioritization of traffic type, Adams also does not allocate resources in response to a client request, based on a predetermined assignment of assigned resources to a particular one of the plurality of clients.

For these reasons, claim 1 and claims 2-11 that depend therefrom are believed to be patentably distinct from the prior art. While claims 4 and 7 were further rejected based on combinations of Goode, Giammaressi and Adams with Russell or Mizutani, the addition of these additional references does not current the deficiencies of Goode, Giammaressi and Adams.

In addition, claims 12, 19 and 30 have been amended to add similar language to the language added to claim 1. For similar reasons as set forth in the discussion of claim 1, claims 12, 19 and 30 and claims 13-18, 20-29 and 31-38 that depend therefrom are believed to be patentably distinct from the prior art.

3. Conclusion

As a result of the foregoing, the Applicant respectfully submits that Claims 1-38 in the Application are in condition for allowance, and respectfully requests allowance of such Claims.

The Examiner is invited to contact the undersigned by telephone or facsimile if the Examiner believes that such a communication would advance the prosecution of the present invention.

No additional fees are believed to be due. The Commissioner is authorized to charge any fees that are required or credit any overpayment to Deposit Account No. 50-2126 (VIXS008).

RESPECTFULLY SUBMITTED,

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